

**U.S. Department of Labor**

Office of Administrative Law Judges  
John W. McCormack Post Office and Courthouse  
Room 507  
Boston, MA 02109

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Date: **06/29/2000**

Case No.: 1999-DBA-31

IN THE MATTER OF:

Disputes concerning the payment of  
prevailing wage rates and proper  
classification by:

**BARR, INCORPORATED,**  
General Contractor

With respect to laborers and  
mechanics employed by the subcontractor  
Stephen Gaskin d/b/a Sprint Building  
under US Department of Housing and Urban  
Development Contract No: 016-EE-020

**DECISION AND ORDER APPROVING CONSENT FINDINGS**

These Consent Findings are entered into by and between the Secretary of Labor, hereinafter referred to as the "Secretary" and Respondent Barr, Inc., hereinafter referred to as the "Respondent." The Secretary and Respondent hereby agree as follows:

(1) There is now pending before the Office of Administrative Law Judges, U.S. Department of Labor, a proceeding under 29 CFR §5.11 to determine proper classification and payment in accordance with prevailing wage rates and overtime pay.

(2) It is the desire of the Secretary and the Respondent to dispense with such proceeding and to dispose of all issues raised therein, including any and all legal, equitable or other defenses

the Respondent may have, by payment by the Respondent of \$22,500 (plus any previously accrued interest on that withheld amount, if any) in settlement of all wage claims made by the Secretary on behalf of employees of subcontractor Stephen Gaskin d/b/a Sprint Building who worked on the aforesaid project. The employees and wage amounts are set forth in Exhibit 1, attached hereto. Payment shall be made from amounts presently withheld by the contracting agencies and the Respondent hereby authorizes said agency or agencies to release to the Regional Administrator, Employment Standards Administration, U.S. Department of Labor, Boston, Massachusetts the above sum. The Regional Administrator shall distribute the back wages to the employees listed above, or their estates, if necessary, and any sum which within three years from the date of this agreement has not been distributed to the employees, or their personal representatives, because of the inability to locate the proper persons or because of such person's refusal to accept such sum, shall be deposited with the Treasurer of the United States.

(3) The Secretary agrees that the balance of the \$34,770.95 withheld, on issues involving the Respondent Barr, Inc. shall be released for payment to Barr, Inc.

(4) This settlement is intended by the Secretary and the Respondent to be a final resolution of this matter and each party hereby agrees to bear its own fees and expenses incurred by such party in connection with any stage of this proceeding.

(5) The Secretary and Respondent further agree that:

- (a) any order entered in accordance with these consent findings shall, pursuant to 29 C.F.R. Part 5, have the same force and effect as an Order made after full hearings.
- (b) the entire record upon which any final order may be based shall, pursuant to 29 C.F.R. Part 6, consist of the Complaint and this agreement.
- (c) all further procedural rights provided by 29 C.F.R. Part 6 and any rights to contest the validity of this Agreement at any order issues pursuant thereto are hereby waived. Part 6.

This Administrative Law Judge, having reviewed the Consent Findings, concludes that this settlement is in the best interests of all parties and it is therefore **ORDERED** that the settlement agreement shall be, and the same hereby is **APPROVED** pursuant to the provisions of 29 C.F.R. §6.32.

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**DAVID W. DI NARDI**  
Administrative Law Judge

Dated:  
Boston, Massachusetts  
DWD:jl